

**Remarks**

Claims 1-7 remain pending in the present application. Claim 1 is independent.

**35 U.S.C. § 103(a) Rejection**

Claims 1-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gabrielsen et al. (U.S. Patent No. 6,628,414). This rejection is respectfully traversed.

Regarding independent claim 1, the Examiner relies on Figure 4A of Gabrielsen et al. to reject the claim. In Figure 4A, Gabrielsen et al. discloses a receiving facsimile machine, a terminating Facsimile Adaptor (FA), an originating FA, and a transmitting facsimile machine. Each of the terminating FA and the originating FA has a timer (TG1 timer). When the originating FA receives the digital identification signal (DIS) from the terminating FA (step 1), it transmits the DIS to the transmitting facsimile machine and starts its timer TG1, at step 2 (column 4, lines 46-49 of Gabrielsen et al.). At step 3, the originating FA receives a DCS (digital command signal) from the transmitting facsimile machine, and stops and resets its timer TG1 (column 4, lines 51-53 of Gabrielsen et al.).

Thereafter, at step 6 of Gabrielsen et al., the timer of the originating FA is restarted with the transmission of the DCS from the originating FA to the terminating FA. When the originating FA gets the TG1 timeout at step 11, it retransmits the DCS from the originating FA to the terminating FA (column 5, lines 8-11 of Gabrielsen et al.). In other words, as acknowledged by the Examiner, in Gabrielsen et al., the originating FA retransmits the DCS after a certain time period (after the timeout of the TG1 timer of the originating FA). During this predetermined time period, the originating FA ignores any additional receipt of the DCS from the transmitting facsimile machine, as set forth at

step 8. This feature (steps 6, 8 and 11) of Gabrielsen et al., which corresponds to retransmitting a certain signal after the time period has expired, is known, e.g. see page 1, lines 6-8 of the present application discussing the background of the invention.

Therefore, as acknowledged by the Examiner, Gabrielsen et al. does not teach, *inter alia*:

determining an interval of time between said moment of reception and the expiry of said period (T) according to said moment of transmission;

comparing said interval of time to a retransmission threshold (P)

as set forth in independent claim 1.

Regarding this deficiency of Gabrielsen et al., the Examiner alleges that it would have been obvious to "modify the timings of the adaptor FA/IFW in Gabrielsen invention" since it teaches the same field of endeavor and leads to the same result of retransmitting or blocking the response of the second facsimile machine to the first facsimile machine. Applicants respectfully disagree.

First, the Examiner has not established a *prima facie* case of obviousness. The Examiner makes a statement that it would have been obvious to modify the FA of Gabrielsen et al. to teach each and every feature of the claimed invention. But Gabrielsen et al. nowhere suggests or hints on how to make this modification to come to Applicant's claimed invention. There is no suggestion or teaching in Gabrielsen et al. of determining the interval of time between the moment of receiving a response from the second facsimile machine and the expiry of the predetermined period associated with the absence of a response according to the moment of transmission by the first facsimile machine, and comparing this interval of time to a transmission threshold, as in claim 1. That is, it would not have been obvious to one skilled in the art to modify the communication procedures shown in Figure 4A of Gabrielsen et al. to render the

claimed invention obvious since none of the prior art of record including Gabrielsen et al. teach or suggest this missing feature.

Second, the Examiner alleges that such modification would be obvious since both the claimed invention and Gabrielsen et al. are in the same field of endeavor and lead to the same result. However, the adaptor (FA/IWF) in Gabrielsen et al. is directed to adapting radio handsets facsimile transmission to a PSTN, whereas the adaptor in Applicant's embodied invention is directed to an adaptor for adapting the facsimile machines of a PSTN to data transmission networks, specifically radio transmission networks. Thus, the invention and Gabrielsen et al. are not in the same field. But even if they were, assuming *arguendo*, this alone is not and cannot be a proper motivation to modify Gabrielsen et al. Just because systems produce the same result, it automatically does not mean that they are patentably indistinct. In fact, there are numerous patents issued solely because they use different methods to obtain the same result, for various reasons. In Applicant's claimed invention, the feature of determining the interval of time between the moment of reception of the response from the second facsimile machine and the expiry of the period T according to the moment of transmission by the first facsimile machine, and comparing this interval of time to a retransmission threshold to retransmit the response to the first facsimile machine or to block the response, is unique and an advantageous way of providing communication protocols between facsimile machines.

Third, the Examiner's statement that the end results of Gabrielsen et al. and Applicant's claimed invention are the same is incorrect. In Gabrielsen et al. as shown in Figure 4A, the originating FA retransmits the DCS at step 11 to the terminating FA and not to the receiving facsimile machine. In contrast, in Applicant's claimed invention, the

response of the second facsimile is retransmitted "to the first facsimile machine" (claim 1) if said interval is greater than the threshold P. In addition, the Examiner states at lines 7-9, page 3 of the Office Action, that if the TG1 is not timeout, the response is blocked. But this is not what Gabrielsen et al. teaches. As shown at step 11 of Figure 4A, when the TG1 timer expires, the response is retransmitted from the originating FA to the terminating FA. But there is no disclosure that the originating FA forcibly blocks the response during the TG1 time period. In clear contrast, in Applicant's invention, to avoid the collision of data transmission, the system forcibly blocks the retransmission of the response from the second facsimile machine to the first facsimile machine. The present invention in effect is an enhancement of the Gabrielsen et al. method since the invention makes it possible at the adaptor of the transmitting facsimile machine to transmit the response of the receiving facsimile machine to the transmitting facsimile machine before the retransmission by the transmitting facsimile machine.

Therefore, Gabrielsen et al. does not render obvious the invention as set forth in independent claim 1 and its dependent claims due to their dependency, and all of the claims are allowable over the applied reference.

### **Conclusion**

For the foregoing reasons, the Examiner is respectfully requested to reconsider and withdraw the rejection of record, and an early issuance of a Notice of Allowance is respectfully requested.

The Examiner is respectfully requested to enter this Response After Final, in that it raises no new issues. In the alternative, the Examiner is respectfully requested to enter this Response After Final in that it reduces the issues for appeal.


Should there be any matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below.

Applicant(s) respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and 1.17 for a one-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of \$120.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time use.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Raymond C. Stewart, #21,066

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

  
RCS/EHC:sld